G. R. S. 58]

Previous references.

1899.

~~191~~

(G. F.)

File No. 50

Serial Nos. 1-6

Later references.

GENERAL AND REVENUE SECRETARIAT.

Rs 18-E

Serial Nos. 166.

Part B for February 1901.

SUBJECT.

Refund bill for Rs 17/- in favour of one Chennegowda of the Kestur Village, Tumkur Tal

---

(Ordered) Mirza Nazeer Hussain

W D 1351—GPB—20,000—13-12-15

SECRETARY'S OFFICE.

REVENUE BRANCH.

OFFICE NOTE.

SUBJECT.

Refund bill for Rs. 17/- in favor of one Cheema Gowda

B

LAST REFERENCE

Letter No. 430 dated 15.11.1899

from Dy: Commr: Tumkur

? No.	area	assessment
58/1	A. G	R. a. P
	3-12	21-8-"
58/2	6.24	41-12-"

In September 1897 one Lingarasiah darkasted for the marginally noted lands in the village of Kesthur Tumkur Taluk.

The amildar directed the Shekdar to put the darkhastdar in possession of the lands by the delivery to him of the Saguvali chits sent with the order in case the lands be found on personal inspection to fetch no value or to fall them in retain if Sheriad.

26 & 27 - 9 - 97

The Sheikdar reported that the lands were valuable and should be sold in auction — 20.10.97

The Amildar thereupon directed the sale of the lands accordingly and sent sale notifications. — 26.10.97

The lands were thereupon sold in the usual course and knocked down to Chenne Gowda for Rs 17-- which amount was duly credited. — 12.11.97

In the meanwhile Dingi Rasiah petitioned the Amildar to the effect that the lands were had been entered in list A, that in anticipation of the grant he had entered upon them under S. 21 of the L.R. Rules, and that the Sheikdar's failure to deliver over the Saguvali chits and report that the lands were valuable was due to petitioner's refusal to give him a share in the lands, & prayed that the orders for the sale of the lands might be withdrawn. — 1.11.97

The Amildar held an enquiry and decided that the accusation brought against — 16.11.97

; against the Sheikdar was false, that as the Sheikdar fetched a value of Rs 17/- in auction the Sheikdar's report that the lands were valuable was correct and ordered that the matter of Linganaicken's unauthorized cultivation of the lands should be brought on the Talkar list no. 8.

18.12.97 Linganaicken appealed to the Dy: Commr: against the above order, and the Dy: Commr confirmed the Amildar's order and rejected the appeal -

The subject of unauthorized cultivation having been brought on the Talkar Takta, the Jamabandy

8.4.98 officer decided, that though the unauthorized cultivation was clear, the darkhastdar appeared to have done it under the ~~suspicion~~ conviction that Sagayaraj chits had been prepared in his name and sent to Sheikdar for delivery to him, and that

in

in consequence no fine need be levied on the individual in question and that the levy of from him of the Kandayam on the lands in question for the year Heralambe (1897-98) was sufficient. She further asked that the Division purchaser Cheruvi Gowda might be put in possession of the lands from Vilambe (1898-99)

S. No. 58/1 assd		21-8-4
L. Cess		2-13-4
		24-5--
S. No. 58/2 assd:		42-4-4
L. Cess		5-4-4
		47-4--
Total	Rs	71-9--

Cheruvi Gowda however did not agree to this proposal and asked for the refund of the money deposited by him for the lands. 26.5.98

The Dy: Commr: thereupon directed the submission of a refund bill for the amount in question viz Rs 17-- -- 4 21.7.98

Hence the bill

SCL
18/12/99.

Prasad's There is no objection to refund but ascertain from the D Comr whether the land has since been sold by him and what price it has fetched Hys 5/1/00

5

no. 4825/7L 621 dt 9.1.00

no. 644 dt 17.2.00

According to information was called for from the Dy: Commr: who now states that the lands survey nos: 58/1 and 58/2 in question ~~[illegible]~~ have not been resold but remain unoccupied.

SDL
15/3/00

Mohammed
Secretary.

Kandayam for the year 1899-00 was ordered to be levied from Lingaiya Setty who unauthorizedly cultivated the lands that year.

The purchaser does not wish to take up the lands from 99-00.

The refund has now to be passed. Draft submitted

21/3/00

b/

~~New Book~~

The sale was held
in Nov 1897. It was
then too late to raise
any crop for 1897-98.
What then could be
the Government question?
As the very nature
of things he could
only enjoy the land
with effect from
1898/99 & he was
not then called
upon to pay any
Instalment for
1897-98 - ~~before~~ in ~~of~~ was Exemption offered by

23/3/00

Submitted

The Sale was confirmed by the deputy commissioner on 8th April 1898 & possession offered to the auction purchaser ~~only~~ item. 26th May 1898 - (Please see page serial no 19). No Saf Chit issued in favour dated 17.4.98. He required to take the Saf. Chit on 26.5.98. on the ground that ~~he was liable for the loans~~ for

for the year 1898-99

24/3

Z 2

the lands were such as were applied for a designed year by year

N
26/3/00

The auction purchaser does not seem entitled to the cancellation of his purchase or the refund of the money paid by him. The land was sold in Nov 1897; the sale was confirmed in April 1898; and possession was offered but refused in May 1898. At the time of the sale, the land could not reasonably have been expected to be put in possession in time to raise any crop in 1897/98.

Jubbulpore
26/3/00

30/3/00
94

Q

When was the land
actually cultivated
by Lingaiasagya in.
the year 1897. He was
in the letter of 1-11-97
that he called that
he had entered upon
the land - The sale
is said to have taken
place on 12. 11 - 97 - Was
then Lingaiasagya
in actual possession
What was the crop
raised ? When was
it when reaped - The
exact dates must
be ascertained &
reported -

The Amildar
seems premising
at length for causing
this confusion.
Now the time of the
sale the land had
been occupied by
or appropriated by
Lingaiasagya he got
what was made provision
for it in the sale - his
appropriation
must be admitted.

10
9 X. 00

K. A. Bet

D. V. C.

Draft
17/10/00

17/10

Location Dr Cowes
No 644 Dated 17th
Feby / 00

Received from the
2nd Councillor on
7-9-00

Submitted to Secretary

Should this be now
submitted to 1st Councillor?
or
12/9/00

Yes at once please
but why should any
special instructions
be asked for? All
pending papers relating
to my Madhava Rao
owing to the recent
change of Portfolio
should always be
submitted to me

Submitted 15/9/00
I asked for instructions
as the amount involved was small.

Submitted to 1st Councillor
or
15/9/00

Rd 7 Nov
17.9.00.

See order
on the Note
overleaf

Office Note Continued

This office No. 3295 of 19/10/00
FC310

The Deputy Commr was called upon to submit a further report on the above points.

D/ Comms Letter No 665 of 16/1/01

In reply he states

(1). That Linganaradayya entered upon the land between the 20th October and the 1st November 1897

(2) that he was not formally put in possession of the land but that he had taken unauthorized possession of the same on the date of sale.

(3) That paddy was grown on the land

(4) that the exact date of sowing cannot be ascertained

&

(5) that it is reported that Lingannarayya reaped the crop ~~in~~ about june 1098.

The Amildar, ~~in his~~ two reports No 1163. States as above but does not assign ~~any~~ proper reasons ~~whatever~~ for his omission to make provision in the sale. He mentions that in his

Subd for orders

12/2/01

sale list the fact of the land having been already Cultivated was noted. ~~Not~~ but this by itself does not amount to making provision for the appropriation of the land by Lingaisaiya previous to the sale.

Submitted to Secretary
11/12/01

12

Sale to Hunter

15/2/01

11.1/2/01

RD 7.30 pm.
16.2.01.

The Landowner with
whom - that Tenant
stated that the Land
with that crop would
not be sold. Memo
was made to this effect
Purchasers knowledge
that the Land was to
be cultivated &
then the Landowners
solicitor - The presumption
is however that the
Tenant Hunter - also
understood that
on the purchase
- may be implied
refunded & the
DC could ask
towards the Tax
after to
void such covenant
a further

Draft sent 22.1.2/01.

10.2.01

Mr Lowe called in
Sale might where
set forth the exact
conditions of sale
& whether the crop
was to go with the Land
or whether the sale was
to take effect for the
next year

Draft

19/2/01

1 7(664 3433

189 9.900

From The Deputy Commr
Tamilian District.

To The Secy: to the Govt:
of Mysore, Genl: and
Rev: Departments.

E.7
So 99
No 1

Dated 15th November 1899

Despatched 25th

Received

General No.
No. 430

Enclosure No. 1 Bill and Order. file.

Submitting for sanction a refund Bill for Rs. 17/- in favor of one Chennayanda of Kestur village, Tamilian Taluk.

R
27.11.99

Rec'd 2/12/99
Draft sub'd: 13/12/99
Fair note 18/12/99

No 430
Refund
for file.

Deputy Commissioner's office,
Jamkhed District.
Dated, Jamkhed, 15th November 1899.

To The Secretary to the Government of
Bombay, General and Revenue Department

Sir,

I have the honor to submit herewith for sanction a refund bill in favor of one Chennagonda for a sum of Rupees 17/- on the following grounds.

2. In September 1897 one Lingaraviah of Kesthi village, Jamkhed Taluk, applied for survey nos: 58/1 and 58/2 situated in that village and cultivated them before obtaining permission. The lands, though included in list A, were found to be valuable and were therefore sold by public auction on the 12th November 1897, when Chennagonda purchased them for Rupees 17/-. The amount was realized and deposited in the Treasury on the 16th and 26th November 1897, but eventually credited to account on 30th June 1898. But as Lingaraviah had already cultivated the lands though unauthorizedly it was not possible for Chennagonda to take possession of them for the year November 1897-98. As was therefore given the option of taking up the lands from November 1898-99; but he refused to do so. The main claim of the deposit of the money he had paid in 1897.

Under such circumstances, he seems entitled to the refund.

2. The memorandum records connected with the Bill are herewith submitted for reference.

I have the honor to be,
Sir,
Your most obedient Servant.

[illegible]
For Deputy Commissioner.

CS

1

1899 - 1900

From

THE SECY. TO THE GOVT. OF MYSORE,
GEN. & REV. DEPTS.

To

The Dy: Commr.
Tumkur Dt.

57
50 51

Serial No. 2

Dated 9th January 00

Despatched

Received

General No. 1825

H. No. 621

Enclosure No. 1 & P.

His letter No. 430 dated 15th November 1899 Subs- mitting for sanction a refund bill ~~for Rs 17/-~~ in favor of one Chennè Gowda for Rs 17/- being Rs. price paid by him for certain lands in Arasikere which he subsequently declined to take up.

With reference to the above, has the honor to enquire whether the lands in question viz Survey Nos: 58/1 and 58/2 of Kestur village have since been sold and if so what price they have fetched

2. The bill and the Vernacular words are returned herewith for needful reference and resubmission.

By order

for Secretary.

Submitted with Contingencies of Office note.
1573

6

Gl. No. 5265 R. 1137
No.
REGISTERED FEB 9 1900

From The Deputy Commissioner
Tumkur Dist.

To The Secy. to the Govt of Mysore, Genl and Revs depts.

Dated 17th
Despatched 19th } February 1900.
Received

Section S.7.
No. 50-99
3

General No. 644
No.

Enclosure No. 1 & a Ver. file

His docket no 4825 / Feb. 621 dated 9th January 1900.

Re submits the refund Bill therein referred to with the Connected Vernacular records, and states that the lands in question in Survey no 58/1 + 58/2 of Kestur Village have not been resold but remains unoccupied.

2
21.2.00
SR

Refer Instrs.
24/2/00. 25/2/00

P.I.O.

644
Cr. 17 a Ver. file.

Deputy Commissioner's Office,
Tumkúr District.
Dated, Tumkúr, 17th February
1900.

To The Secretary to the Government
of Mysore, General and Revenue
Departments.

Sir,

With reference to your docket No: 4825 / H: 62 dated 9th January 1900, I have the honor to submit the refund Bill therein referred to with the connected vernacular records, and to state that the lands in question viz: Survey nos: 58/1 and 58/2 of Kestúr village have not been resold but are remain unoccupied.

I have the honor to be,
Sir,
Your most obedient Servant

Illegible
for Deputy Commissioner
Tumkúr District.

Draft is per order

190

From

THE SECY. TO THE GOVT. OF MYSORE,
GEN. & REV. DEPTS.

To The Dy. Comr
Tumkur Dt.

Dated 19.10.00

Despatched 19

Received

General No. 3295

No. 7C310

57
50—93
4

Enclosure No. 1 & 1 P.

Correspondence ending with the Dy. Comr's letter No 644 dated 17th February 1900, submitting for sanction a refund bill in favor of one Bheme Gowda for Rs 17/- being the price paid by him for Sy. Nos 58/1 & 58/2 of the Kestur village, Tumkur Taluk, which had been unauthorizedly cultivated by one Linga Lingaraseiya in 1897-98 & which the auction purchaser (Bheme Gowda) refused to take up for cultivation from 1898-99.

In returning the Persian records received with the above, for reference and resubmission, has the

honor to observe as follows and to request the submission of a further report on the points noted.

When was the land actually cultivated by Lingarasiah in the year 1897? It was in his petition dated 1-81 Novr 1897, that he stated that he had entered upon the land. The sale is said to have taken place on 12th November 1897. Was then Lingarasayya in actual possession? What was the crop raised? when sown and when reaped? The exact dates must be ascertained and reported.

The Amildar seems primarily ~~responsible~~ at fault for causing this confusion. If at the time of the sale, the land had been occupied or appropriated by Lingarasayya, he ought to have made provision for it in the sale. His explanation for the omission must be submitted.

By order

19/10/00

For Secretary

Chris 19/10/00

4916

Fl 793

(General Serial No. 30.)

1900-1.

From

The Dy: Commissioner

Tumkur Dist

To

The Secretary to the Govt of Mysore

General and Rev. Dept

97-

50-99

5

Dated 16 } Jan 1901.

Despatched 17 }

Received

General No. 665 } 1900-1.

No.

Enclosures Number. 1 bill + 1 bill.

His docket no: 3295 dated

Fl 310

19th October 1900.

Submitting a further report on certain points in re a refund bill in favour of Lokamegauda residing at Kestur, Tumkur Taluk.

R

19.1.01

Kurup

3/1

4/1/01 Subd with office note

Continued 12/2/01

1/2/01

No: 665
En 1 file

Dated 16th January 1901.

To

The Secretary to the Government of Mysore,
General and Revenue Departments,
Bangalore

Sir,

In reply to the queries contained in your docket no: 3295/Fl 310 dated 19th October 1900, in the matter of a Refund Bill submitted in favour of Lehanne Gowda for Rupees 17/, being the price paid by him for Survey nos: 58/1 and 58/2 of Kesthur village, Tumkur Taluk, which had been unauthorizedly cultivated by one Lingarasaiya in 1897-98 and which the said Lehanne Gowda refused to take up for cultivation from 1898-99, I have the honour to state as follows:—

(1) Lingaraciah entered upon the land between the 20th October and the 1st November 1897, but was not formally put in possession. He had taken unauthorized possession of it on the date of the sale.

(2) Paddy was grown on the land. The

exact

exact date of sowing cannot be ascertained. It is reported that Lingarazaiya reaped the crop about June 1898.

II The Amildar's explanation for the omission noticed by Government is contained in his report no: 1163, which accompanies the records.

III The refund Bill for Rupees 17/- in favour of Chenne Gowda is, herewith, resubmitted.

I have the honour to be,

Sir,

your most obedient servant.

M. Manavi Rao

Deputy Commissioner.

Mz.

Draft as per order

13

Read:—

Correspondence ending with letter No 665 dated 16th January 1901, from the Deputy Commissioner, Tumkur District, proposing ~~regarding~~ ~~the~~ refund of Rs 17- in favor of one, Chenne Gowda.

Section 7.
File No 58 of 99 - ~~in~~ g
- in

Order thereon:—

The correspondence read above shows that in September 1897, one Lingarasaih applied for the marginally noted Lands for cultivation in the village of Kesdur, Tumkur Taluk. The Sheikdar to whom the Amildar refers the matter, having reported that the lands were valuable the Amildar ordered the sale of the lands and issued sale notifications. The lands were accordingly sold

	Area. A-G.	Assessment Rs-as-P
S. No 58/1	3-12	21-8-0
58/2	6-24	41-12-0

Issue
25/2/01

No 6582-3 / H 667 / 26.2.01

sold by the Shekdar on the 12th November 1897 and knocked down to one Chenni Gowda for Rs 171-, which amount was duly recovered and credited. In the meanwhile on the 1st November 1897 one Linganasaih who had entered on the lands in question between the 20th October and the 1st November 1897, petitioned the Amildar ~~to the effect~~ praying for the withdrawal of the order passed, alleging that as the lands had been entered in list A, he had in anticipation of sanction entered upon them under Rule 21 of the Land Revenue Rules, & that the Shekdar's failure to deliver ~~over~~ the Saguvali chits was due to petitioner's refusal to give him a share in the lands; ~~that and prayed that the order for the Sale of thereof might be withdrawn~~. The Amildar after holding an enquiry into the matter on the 16th November 1897, decided

15

decided that the accusation
brought against the Sheiko
was false; that as the
lands fetched a value of
Rs 17, the Sheikdar's report
to the effect that they were
valuable, was true, and
that the matter of
Luigaraisaiya's unauthoriz
cultivation of the lands
should be brought on the
Zakirar list. The Dy.
Collector to whom Luigaraisaiya
appealed against the above
order, having confirmed
it and rejected the appe
the matter of his ~~assessment~~ unauthorized
unauthorized cultivation
was enquired into by
the Jamabandy officer
on the 8th April 1898, an
he decided that though the
unauthorized cultivation
was clear, no fine
be levied as the
-dar appeared t
done it under the Convic
that the Sagunali Chits
had been prepared in
his name, and that the
Co

levy of from him of the Kandyan
on the lands, 16
Viz, Rs 71-9-0 for the year
1897-98 was sufficient.
He further ordered that
the auction purchaser
Bheme Gowda, might
be put in possession of
the lands from 1898-99.
But Bheme Gowda refused
to take up the lands and
asked for the refund of
the money deposited by
him. The Deputy Comr
now submits a refund
bill for Rs 17/- in favor
of Bheme Gowda. ~~He further~~ It is
reported further that paddy was
grown on the lands and
that the crop was harvest-
-ed by Linganasaih about
June 1898.

~~It is observed~~ Govt observe that the
there was a crop on the
land ~~was with crop~~. But
at the time of sale
it was not stated that
in hand with that crop
it should not be sold. There
is ~~Nothing~~ on record to
bring to the purchaser's
Knowledge that the crop
on the land was to be
harvested and then the
land

17

land given to him. The presumption is possible that he understood ~~to have bought~~ the crop also. Under all the circumstances, the purchase money viz Rs 17/- should be refunded. The Dy. Comrs is requested to warn the Taluk officials to avoid such confusions in future. The proclamation of sale ought to have set forth the exact conditions of the sale and whether the crop was to go with the land, or whether the sale was to take effect from the next year.

24/2/01.

Print

23/2/01 Secretary

To. The Dy. Comr Dumka

Returning V. papers the Comptroller regarding with bill.

Proceedings of the Government of Mysore, Financial, dated 26th February 1901.

READ—

Correspondence ending with letter No. 665, dated 16th January 1901, from the Deputy Commissioner, Tumkur district, proposing a refund of Rs. 17 in favor of one Channegauda.

No. 6582-3—FL. 667, DATED BANGALORE, 26TH FEBRUARY 1901.

ORDER THEREON—The correspondence read above shows that in September 1897, one Lingarasiah applied for the marginally noted lands for cultivation in the village of Kestur, Tumkur taluk. The shekdar to whom the Amildar referred the matter, having reported that the lands were valuable ones, the Amildar ordered their sale and issued sale notifications. The lands were accordingly sold by the shekdar on the 12th November 1897 and knocked down to one Channegauda for Rs. 17, which amount was duly recovered and credited. In the meanwhile, on the 1st November 1897, Lingarasiah, who had entered on the lands in question between the 20th October and the 1st November 1897, petitioned the Amildar for the withdrawal of the order for sale, alleging that as the lands had been entered in the list A, he had in anticipation of sanction entered upon them under Rule 21 of the Land Revenue Rules; and that the shekdar's failure to deliver the saguvali chits was due to petitioner's refusal to give him a share in the lands. The Amildar after holding an enquiry into the matter on the 16th November 1897, decided that the accusation brought against the shekdar was false; that as the lands fetched a value of Rs. 17, the shekdar's report to the effect that they were valuable, was true, and that the matter of Lingarasiah's unauthorized cultivation of the lands should be brought on the Takrar list. The Deputy Commissioner, to whom Lingarasiah appealed against the above order, having confirmed it and rejected the appeal, the matter of his unauthorized cultivation was enquired into by the Jamabandi Officer on the 8th April 1898, and he decided that though the unauthorized cultivation was clear, no fine need be levied as the darkhastdar appeared to have done it under the conviction that the saguvali chits had been prepared in his name, and that the levy from him of the kandayam on the lands, *viz.*, Rs. 71-9-0, for the year 1897-98, was sufficient. He further ordered that the auction purchaser Channegauda might be put in possession of the lands from 1898-99. But Channegauda refused to take up the lands and asked for the refund of the money deposited by him. The Deputy Commissioner now submits a refund bill for Rs. 17 in favor of Channegauda. It is reported further that paddy was grown on the lands and that the crop was harvested by Lingarasiah about June 1898.

	Area. A. g.	Assessment. Rs. a. p.
Survey No. 58-1 ...	3 12	21 8 0
Do 58-2 ...	6 24	41 12 0

2. Government observe that there was a crop on the land at the time of sale. But it was not stated that the land with that crop would not be sold. There is nothing on record to bring to the purchaser's knowledge that the crop on the land was to be harvested and then the land given to him. The presumption is possible that he understood that he was buying the crop also. Under all the circumstances, the purchase money, *viz.*, Rs. 17, will be refunded. The Deputy Commissioner is requested to warn the taluk officials to avoid such confusions in future. The proclamation of sale ought to have set forth the exact conditions of the sale, and whether the crop was to go with the land, or whether the sale was to take effect from the next year.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Deputy Commissioner, Tumkur District, returning vernacular papers.
The Comptroller to the Government of Mysore, with the bill.

1900-1901

GOVERNMENT OF MYSORE

FINANCIAL

PROCEEDINGS

Dated 26th February 1901

No. 6582-3 / Fl. 667

Directing the refund of Rs. 17 to Channegauda of the Kestur village, Tumkur taluk.

SBP—2-3-1901—200.